

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

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IN RE:

BERNARD L. MADOFF,

Debtor

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

AFFIDAVIT OF ROBERT A. KOENIG


I, Robert A. Koenig, partner of Latham & Watkins LLP, am an adult over the age of 18 and am competent to testify in a court of law. I have personal knowledge of the facts recited below, and if called to testify, could and would testify truthfully as follows:

1. Sharon Bowen is a partner at the law firm of Latham & Watkins LLP ("Latham"). She is also Vice Chairman and member of the Board of Directors of the Securities Investor Protection Corporation ("SIPC").
2. Latham represents one or more clients who are, or could become, adverse to SIPC or the Trustee (as defined below) in the above captioned matter.
3. Accordingly, Latham has established ethical walls to ensure that Ms. Bowen will not be involved in our representation of any client whom we now or in the future represent in a matter related to the above captioned matter.
4. I have been advised by counsel for SIPC that SIPC has established similar ethical walls to ensure that Ms. Bowen will receive no confidential information relevant to matters related to the above captioned matter.

5. SIPC, by and through its President, Stephen P. Harbeck, has consented to this arrangement.
6. Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (the "Trustee"), has consented to this arrangement.

I hereby swear or affirm under the penalty of perjury under the laws of the United States of America that the foregoing is true and complete to the best of my knowledge, information, and belief.

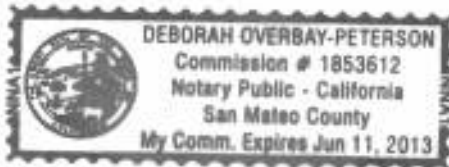
DATED: March 17, 2010

  
Robert A. Koenig  
LATHAM & WATKINS LLP  
140 Scott Drive  
Menlo Park, California 94025  
(650) 463-4661

CALIFORNIA JURAT WITH AFFIANT STATEMENT

State of California

County of San Mateo



Subscribed and sworn to (or affirmed) before me on this

17 day of March, 2010, by  
Day Month Year

(1) Robert A. Koenig  
Name of Signer

Proved to me on the basis of satisfactory evidence to be the person who appeared before me.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature   
Signature of Notary Public

Place Notary Seal Above

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

County of San Mateo

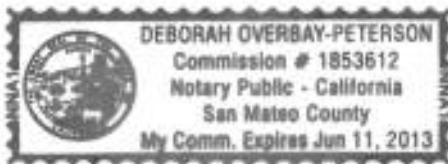
On March 17, 2010 before me, Deborah Overbay-Peterson, Notary Public

Date

Name of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Robert A. Koenig

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Affidavit of Robert A. Koenig for Madoff

Document Date: March 17, 2010

Number of Pages: Two

Signer(s) Other Than Named Above: None

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer - Title(s): \_\_\_\_\_  
☐ Partner - ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

RIGHT  
THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer - Title(s): \_\_\_\_\_  
☐ Partner - ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

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